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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,592	11/07/2000	Robert Cahn	1999-0415	9679

7590  
S H Dworetsky  
AT&T Corp  
PO Box 4110  
Middletown, NJ 07748

02/08/2006

EXAMINER

VIG, NARESH

ART UNIT PAPER NUMBER

3629

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

### **DETAILED ACTION**

This is in reference to response received by the office on 25 November 2005 to the office action mailed on 23 September 2005, and, telephonic interview on 31 January 2006 with applicant's representative David W. Herring (Reg. No. 51,069). The information provided in the information is not sufficient to further the prosecution of this application.

#### ***Requirement for Information under 37 CFR 1.105***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In the application originally filed 07 November 2000 applicant has provided a sample of calculation using network layout of Fig. 2a – Fig. 2c. Sample provided in the disclosure does not clearly read upon the Figures referred in the sample. Using the Fig.1 in view of Table 1 and Table 2, applicant has clearly disclosed how the value in Fig. 2a is calculated where "E" is the Start Node and "D" is the Finish Node. Label for edge from E to D is (E, rate for the edge, D) i.e. (Start Node, cost, Finish Node).

Now referring to Fig. 2b, is "D" the Start Node or the Finish Node because direct edge from start to finish as shown for Fig. 2b shows that D is the Start Node and E is the Finish Node. If this is true, then direct edge labeling in Fig. 2b shows that F is the Start Node from Node F to intermediary Node D, and how does one of ordinary skill in the art would read label (E,1,0,F) when the start of the edge is D. Table 2 teaches that the E to F has Data Transfer Cost of 3.0. How did the applicant come up with the Data Transfer Cost of 1.0 from E to F. Also, it is not clear the whether Node D is the intermediary node, Start Node or it is the Finish Node. Edge from start to finish shows the intermediary node is node "F".

Now referring to Fig. 2c, reading in view of edge label information, "B" is the Start Node. In view of disclosure on page 14, lines 11 – 12, "A" and "B" are start and Finish Nodes. If this is true, then, edge from start to intermediary node, and, intermediary node to Finish Node shows that "F" if the intermediary node, "D" is the Start Node, and, "F" is the Finish Node.

Disclosure for Fig. 3a – 3e also show similar dissimilarities.

Examiner understands that calculating values for 6 integrated nodes as disclosed in Fig.1 will be a burden on the applicant. For further prosecution of this application, applicant is requested to provide calculations using Nodes C, D, E and F. To maintain the flow, applicant is requested to use E as the Start Node and D as the Finish Node and use Node C and F as intermediary nodes.

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**In response to this requirement please provide the information:**

Provide how the calculation of cost is determined using 4 nodes configuration using nodes C, D, E and F with E as start node and E as Finish node. Continue first adding Node C as intermediary node, and, later adding additional intermediary node F as a second intermediary node. Applicant is requested to maintain the label syntax for edges. Use the values as disclosed in Table 1, Table 2 and Table 4 for calculations. Explain how the values were calculated using these values.

Provide a list of keywords that are particularly helpful in locating publications related to calculate cost of bandwidth used in a network.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

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This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Examiner  
Art Unit 3629

February 6, 2006